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NOTICE OF ALLOWANCE AND FEE(S) DUE

86244 7590 06/04/2010

Snell & Wilmer L.L.P., (Barker)
One Arizona Center
400 East Van Buren Street
Phoenix, AZ 85004-2202

EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/04/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,508	03/29/2001	Dennis Sunga Fernandez	84022.0136	9844
TITLE OF INVENTION: INTEGRATED NETWORK FOR MONITORING REMOTE OBJECTS				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/07/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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86244 7590 06/04/2010

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
VO, TUNG T	2621	375-240160

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2
_____ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1192 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1192 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/823,508

Examiner

Tung Vo

Applicant(s)

FERNANDEZ ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 12/02/2009 and interview summary mailed on 04/26/2010.
2. ☒ The allowed claim(s) is/are 74-84 and 86-98.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 04/29/2010
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Tung Vo/
Primary Examiner, Art Unit 2621

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Barker on 04/29/2010.

The application has been amended as follows:

IN CLAIM

74. (Currently Amended) A method, comprising:

selecting a fixed vendor in response to a first transaction message received from a hand-held mobile buyer unit configured to communicate with a network, wherein the hand-held mobile buyer unit comprises a detector to record an image of a buyer;

recognizing the [[an]] image of the [[a]] buyer recorded by the detector ~~associated with the mobile buyer unit~~ by comparing the image of the buyer to a stored image of the buyer, wherein a visual analyzer module recognizes the image of the buyer using at least one of neural-based software or adaptive learning software; and

sending at least a portion of the first transaction message to the fixed vendor in response to the recognizing the image of the buyer.

75. (Previously Presented) The method of claim 74, further comprising sending the image of the buyer and an image recognition confirmation to the fixed vendor.

76. (Currently Amended) The method of claim 74, further comprising sending, to the hand-held mobile buyer unit, a second transaction message associated with the fixed vendor.
77. (Previously Presented) The method of claim 76, wherein the first transaction message comprises an offer to buy at least one of a good or a service, and wherein the second transaction message comprises at least one of a counter-offer or an acceptance to sell at least one of the good or the service.
78. (Currently Amended) The method of claim 76, further comprising facilitating a transaction between the hand-held mobile buyer unit and the fixed vendor in response to the first transaction message and the second transaction message.
79. (Previously Presented) The method of claim 74, further comprising selecting the fixed vendor in response to the fixed vendor providing at least one of a vendor service or a vendor product that matches a mobile buyer interest.
80. (Currently Amended) The method of claim 74, further comprising determining a first location of the hand-held mobile buyer unit and selecting the fixed vendor in response to at least one of the fixed vendor being near the first location of the hand-held mobile buyer unit, or the fixed vendor being near a second location to which the hand-held mobile buyer unit will be moving.
81. (Currently Amended) The method of claim 74, further comprising selecting the fixed vendor in response to at least one of a pattern of hand-held mobile buyer unit movement, a previous hand-held mobile buyer unit location, or a previous hand-held mobile buyer unit transaction message.

82. (Previously Presented) The method of claim 76, wherein the second transaction message comprises at least one of a fixed vendor real-time inventory listing, fixed vendor service information, fixed vendor good information, a fixed vendor location, directions to the fixed vendor location, or location-based pricing of at least one of a vendor product or a vendor service.
83. (Currently Amended) The method of claim 74, wherein the hand-held mobile buyer unit is a cellular phone configured to communicate with the network via a wireless communicator.
84. (Previously Presented) The method of claim 74, wherein the image of the buyer is a digital image that comprises at least one of an embedded watermark or a digital certificate configured to facilitate security of the digital image.
85. (Canceled).
86. (Currently Amended) The method of claim 74, further comprising delivering at least one a solicited product, a solicited service, an unsolicited product, or an unsolicited service to the hand-held mobile buyer unit in an electronic format in response to the sending at least the portion of the first transaction message to the fixed vendor.
87. (Currently Amended) The method of claim 74, further comprising delivering an electronic document to the hand-held mobile buyer unit in response to the sending at least the portion of the first transaction message to the fixed vendor.
88. (Currently Amended) The method of claim 74, wherein the image of the buyer is received from the hand-held mobile buyer unit.
89. (Currently Amended) The method of claim 74, wherein the image of the buyer is received from a fixed detector distinct from the hand-held mobile buyer unit.
90. (Currently Amended) A controller comprising:

a processor configured to utilize software to select a fixed vendor in response to a first transaction message received from a hand-held mobile buyer unit configured to communicate with a network, wherein the hand-held mobile buyer unit comprises a detector configured to record an image of a buyer;

a visual analyzer module configured to recognize the [[an]] image of the [[a]] buyer recorded by the detector using at least one of neural-based software or adaptive learning software, wherein the visual analyzer module is configured to recognize the image of the buyer by comparing the image of the buyer to a stored image of the buyer; and

a communicator configured to send at least a portion of the first transaction message to the fixed vendor in response to the visual analyzer module recognizing the image of the buyer.

91. (Previously Presented) The controller of claim 90, wherein the image of the buyer comprises a still image of the buyer.

92. (Previously Presented) The controller of claim 90, wherein the image of the buyer comprises a video image of the buyer.

93. (Previously Presented) The controller of claim 92, wherein the video image of the buyer comprises an audio component, and wherein the visual analyzer module is further configured to generate audio recognition information associated with the video image of the buyer.

94. (Previously Presented) The controller of claim 90, wherein the communicator is configured to receive the image of the buyer from a fixed detector configured to observe the buyer.

95. (Currently Amended) A hand-held mobile buyer unit, comprising:

a detector configured to record an image of a buyer associated with [[a]] the hand-held mobile buyer unit; and

a communicator configured to send the image of the buyer and a first transaction message to a controller via a network, wherein the controller comprises a visual analyzer module configured to recognize the image of the buyer recorded by the detector by comparing the image of the buyer to a stored image of the buyer using at least one of neural-based software or adaptive learning software, and wherein the communicator is further configured to select a fixed vendor in response to the first transaction message and send at least a portion of the first transaction message to the fixed vendor in response to the visual analyzer module recognizing the image of the buyer.

96. (Currently Amended) The hand-held mobile buyer unit of claim 95, wherein the communicator is further configured to receive a second transaction message in response to the fixed vendor receiving the first transaction message and a buyer image recognition confirmation.

97. (Currently Amended) The mobile unit of claim 95, wherein the hand-held mobile buyer unit is a cellular phone and the buyer is a cellular phone user.

98. (Previously Presented) The mobile unit of claim 97, wherein the cellular phone comprises a locator configured to facilitate a determination of a cellular phone user location.

Allowable Subject Matter

2. Claims 74-84 and 86-98 are allowed.
3. Claims 1-73 and 85 have been canceled.

4. The following is an examiner's statement of reasons for allowance: the cited prior art does not disclose a detector configured to record an image of a buyer associated with the hand-held mobile buyer unit; and a communicator configured to send the image of the buyer and a first transaction message to a controller via a network, wherein the controller comprises a visual analyzer module configured to recognize the image of the buyer recorded by the detector by comparing the image of the buyer to a stored image of the buyer using at least one of neural-based software or adaptive learning software, and wherein the communicator is further configured to select a fixed vendor in response to the first transaction message and send at least a portion of the first transaction message to the fixed vendor in response to the visual analyzer module recognizing the image of the buyer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/

Primary Examiner, Art Unit 2621